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BOARD OF PATENT APPEALS  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

John  
Hollen

Applicants : Tai-Shun Lin and William H. Prusoff

Serial No. : 06/942,666

Filed : December 17, 1986

For : USE OF 2', 3'-DEOXYTHYMIDIN-2'-ENE  
(3'-DEOXY-2', 3'-DIDEHYDROTHYMIDINE) IN  
TREATING PATIENTS INFECTED WITH RETROVIRUSES

Art Unit : 181

Examiner : J. Tou

89-2572

October 2, 1989

Hon. Commissioner of Patents  
& Trademarks  
Washington, D.C. 20231

Set  
1/17

Sir:

REQUEST FOR REMAND BY THE BOARD

Pursuant to MPEP 1211, the Board is hereby respectfully requested to remand this case to the Examiner to consider the Declaration of Colin McLaren submitted herewith. Such declaration presents in vivo data which has just been generated. It is believed that such in vivo data is further convincing evidence bearing on the 35 U.S.C. 112 rejection presently in this application.

The declaration shows significant increases in CD4 counts, significant reductions in the amount of p24 antigen and significant weight gains in patients, all markers of potential amelioration of HIV infection in patients treated

according to the invention. Upon review of such Declaration, the Examiner may allow the application, thereby saving the Board's time in reviewing the file, presiding over an oral hearing and rendering a written decision.

Respectfully submitted,

SPRUNG HORN KRAMER & WOODS

By

  
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